

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: LATOYA S. LEWERS

**CHAPTER 13
NO: 11-12178 DWH**

**MOTION TO COMPROMISE AND SETTLE INSURANCE
CLAIM WITH STATE FARM AUTO INSURANCE COMPANY**

COMES NOW, Debtor, LATOYA S. LEWERS, by and through undersigned counsel, and files this her Motion to Compromise and Settle Insurance Claim with State Farm Auto Insurance Company ("State Farm"), respectfully showing unto the Court as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §§1334, and this is a core proceeding pursuant to 157(b)(2)(a).
2. That the Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on the 13th day of May, 2011, in the above styled and numbered cause.
3. Recently, the Debtor's 2000 Oldsmobile Alero was totaled in an automobile accident and she has received an offer from State Farm in which State Farm valued the vehicle at \$3,200.00, less the \$500.00 deductible, for a net of \$2,700.00 and has agreed to pay this amount.
4. Debtor submits that the offer made by State Farm is fair and that the Debtor should be authorized to accept the settlement.
5. The Debtor further submits that from the funds, Kwik Cash shall be paid its payoff amount, which is \$1,097.50, and Kwik Cash should be required to release its lien on the 2000 Oldsmobile Alero upon receipt of said funds.
6. The Debtor requests that she be entitled to retain the remaining proceeds from the settlement as an exempt asset.

WHEREFORE, Debtor prays that this Court will enter its Order authorizing the Debtor to settle the insurance claim with State Farm, and further authorize the Debtor to use the proceeds to pay off Kwik Cash in full and upon receipt of said funds direct Kwik Cash to release its lien on the 2000 Oldsmobile Alero to State Farm. And further that the Debtor be entitled to retain the remaining proceeds as an exempt asset. Debtor prays for such other, further and general relief to which she may be entitled.

Respectfully Submitted,
LATOYA S. LEWERS, Debtor

BY: /s/ Robert Gambrell
ROBERT GAMBRELL, Attorney for
Debtor
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: 662-281-8800 / Fax: 662-202-1004
MS Bar #4409

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served electronically via ECF with a copy of the above Motion to Compromise and Settle Insurance Claim with State Farm Auto Insurance Company:

Henry G. Hobbs, Jr., Acting U. S. Trustee: USTPRegion05.JA.ECF@usdoj.gov
Locke D. Barkley: sbearley@barkley13.com

I further certify that on this date, I have mailed, postage prepaid, a true and correct copy of said Motion to Kwik Cash at its regular mailing address of 7047 Commerce Dr., Ste. C, Olive Branch, MS 38654.

This the 29th day of July, 2011.

/s/ Robert Gambrell
ROBERT GAMBRELL

**UNITED STATES BANKRUPTCY COURT
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ORDER

THIS MATTER having come on for consideration upon the Debtor's Motion to Compromise and Settle Insurance Claim with State Farm Auto Insurance Company and no objections having been filed thereto within the time period set out in the Notice, and the Court being fully advised in the premises is of the opinion that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Debtor be and hereby is granted the authority to settle the insurance claim with State Farm Auto Insurance Company for the sum of \$2,700.00.

IT IS FURTHER ORDERED AND ADJUDGED that from the proceeds, Kwik Cash shall be paid the sum of \$1,097.50, and Kwik Cash be and hereby is ordered to release its lien on the 2000 Oldsmobile Alero to State Farm Auto Insurance Company upon receipt of said funds.

IT IS FURTHER ORDERED AND ADJUDGED that the Debtor be and hereby is authorized to retain the remaining proceeds as an exempt asset.

SO ORDERED AND ADJUDGED on this the ____ day of _____, 2011.

UNITED STATES BANKRUPTCY JUDGE